

By-laws
City of Annapolis
Alcoholic Beverage Control Board

ARTICLE I

1.0 ORGANIZATION

1.1 OFFICERS; ELIGIBILITY.

The elected officers of the Alcoholic Beverage Control Board (hereinafter referred to as the Board) shall be:

Chairman
Vice-Chairman

No member may serve as Chairman unless that person has at least one year tenure as a member of the Board. Should there be circumstances under which no member of the Board qualifies by reason of this tenure rule, the Mayor shall appoint a member to serve as Chairman pro tem until a member qualifies.

1.2 TERMS OF OFFICE.

Officers shall be elected for a term of one year, subject however to re-election.

1.3 ELECTIONS.

Election of officers shall be held each year at the regular meeting held in August. If there is no other business to be conducted at the regular August meeting, such a meeting shall be called for the purpose of electing officers. Election to office shall be by a majority vote of the members present, and the Chairman may cast a vote.

ARTICLE II

2.0 MEETINGS

2.1 DATE AND TIME.

Regular meetings shall be held on the first Wednesday of each month, to begin at 3:00 p.m., but may be called at another time by the Chairman for good reason.

2.2 LOCATION.

Meetings shall be held in the City Council Chamber in the Municipal Building, unless otherwise announced.

2.3 NOTICE.

When required by the Rules and Regulations of this Board, by City ordinance, or by State law, notice of meetings shall be placed in the Legal Notices, *The Capital*. Such advertisement to appear for such period of time as required by rule, ordinance or law. In all cases, notices of meetings shall be posted on the bulletin board in City Hall maintained for the purpose.

2.4 FORM OF VOTE.

Upon call for the question, and if there be no objection, each member shall cast a vote; and upon request by any member, the vote shall be "aye" or "nay" or by abstention. A majority of those casting the vote shall carry the motion.

2.5 QUORUM.

A quorum sufficient to conduct business of the Board shall be three members.

2.6 SPECIAL MEETINGS.

Special meetings of the Board may be called by the Chairman, and must be called by the Chairman upon written application of two members of the Board. Notice shall be in accordance with the rule of Paragraph 2.3.

ARTICLE III

3.0 PARLIAMENTARY AUTHORITY

- 3.1 The rules contained in Robert's Rules of Order (New Revised) shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these by-laws and any special rules the Board may adopt.
- 3.2 The Board may reconsider any action it has taken, provided it is done at the same meeting or at the next succeeding meeting, and provided further that there have been no intervening vested rights.
- 3.3 These rules may be suspended at any time for any purpose during a meeting by a unanimous vote of the members present.

ARTICLE IV

4.0 PROCEDURAL MATTERS

4.1 APPLICATIONS.

Persons applying for new licenses, renewal licenses, or changes to existing licenses, shall obtain application forms from the Office of the City Clerk and upon completion of the application, return it to the Office of the City Clerk.

- 4.2 The application shall be accepted and the Chairman notified. Copies of the application shall be sent to City departments for comment: Planning and Zoning, Public Works, Fire, Health, and Finance. The Alderman of the affected Ward shall also receive notice.
- 4.3 The application will be placed on the agenda for the first regular meeting scheduled thirty or more days from the date the application is filed.
- 4.4 Applications for special one-day Class C licenses may be administratively approved by the City Clerk. Such applications shall be submitted not less than two weeks before a regular Board meeting in order to allow referral to the Board if in the opinion of the City Clerk there are circumstances requiring Board approval.

4.5 COMPLAINTS.

Complaints shall be filed in the Office of the City Clerk by private citizens, Board Inspections, or police officers, when a violation of the Rules and Regulations, City ordinance or State Code has occurred. The Chairman shall be notified immediately of such filings and shall, if appropriate, request assistance of other City agencies in collecting facts relevant to the asserted violations. The Chairman may cause the complaint to be placed on the agenda of the next regular meeting, or if deemed necessary, call a special meeting.

4.7 HEARINGS.

- 4.7.1 The Chairman may compel the attendance of any person at hearings of the Board.
- 4.7.2 Applicants and licensees may represent themselves at hearings, or they may be represented by an attorney admitted to practice before the Court of Appeals of Maryland. Applicants for licenses, or for changes to licenses, must appear in person before the Board, unless for good cause shown, they cannot personally appear. In any case, the Board may in its discretion defer action on applications until the applicant is able to appear.
- 4.7.3 All persons offering testimony or other evidence before the Board must register in a form provided by the Board at the time of the hearing. Each witness must be sworn. The oath or affirmation will be administered by the Chairman or Vice-Chairman. Testimony will be taken in an orderly fashion with interested parties afforded time for cross-examination, redirect, and rebuttal. Time of testimony may be limited upon a motion properly offered and sustained by a vote of four members, or if there be only three present, then by an affirmative vote of all three present.
- 4.7.4 The Chairman may order the removal of disorderly or unruly persons.
- 4.7.5 Upon a motion properly offered and passed, a hearing on any agenda item may be adjourned and continued until a later date. If the time and date of the subsequent meeting are announced at the time of adjournment, that announcement shall be deemed reasonable notice within the meaning of the Annotated Code of Maryland, Article 76A, and no other notice shall be necessary.

- 4.7.6 Any person, including a licensee, who plans to present a legal argument during a disciplinary hearing or a hearing to grant a new license or transfer of an existing license, shall present such argument in written form at least seven business days before the hearing. Failure to do so may, in the discretion of the board, be cause for dismissal of the argument without consideration of its merits.

ARTICLE V

5.0 FINDINGS AND DECISIONS

- 5.1 The Board may deliberate on testimony in executive session where such deliberation is permitted by the Annotated Code of Maryland and applicable Opinions of the Attorney General of the State of Maryland.
- 5.2.1 All findings and decisions of the Board shall in all instances be final, subject to the provisions of Paragraph 3.2. Final decisions shall be subject to judicial review as provided by the Annotated Code of Maryland, Article 2B.

ARTICLE VI

6.0 AMENDMENTS

- 6.1 The Chairman shall from time to time appoint a Committee to review these by-laws. The Committee shall then report to the Board and if deemed appropriate, draft recommended changes.

By-Laws
Adopted August 6, 2008